

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PATRICIA WRIGHT,)	
)	
Plaintiff,)	
)	
vs.)	
)	8:07CV122
METROPOLITAN UTILITIES)	
DISTRICT OF OMAHA, a Political)	ORDER
Subdivision and Municipal Corporation,)	
)	
Defendant.)	

On March 8, 2010, the court entered a scheduling order giving all parties until and including **Friday, March 19, 2010**, in which to file motions for summary judgment. This order was entered because the case was stayed at the time summary judgment motions were due under the original progression order.

The defendant timely filed and served a motion for summary judgment on March 18, 2010. Remarkably, one of plaintiff's attorneys responded by filing a document captioned "Motion in Opposition to Summary Judgment," demanding that the defendant's motion be stricken as untimely, citing a case progression order that was clearly and specifically superseded by the March 8, 2010 scheduling order. This motion will be denied.

The plaintiff next requests that she be given "the statutory time from the date of the Court's order" in which to respond to the motion. This motion will be denied, and the plaintiff's response date will be calculated based on the date the summary judgment motion was filed and served, i.e., March 18, 2010. Under NECivR 56.1(b)(2), the plaintiff is required to respond to the defendant's motion for summary judgment within 21 days after service of the motion and supporting brief. Applying the 3-day mailing rule, *see* Fed. R. Civ. P. 6 & NECivR 6.1(b), the response is due **Monday, April 12, 2010**.

IT IS ORDERED:

1. Plaintiff's "Motion in Opposition to Summary Judgment" (Filing 74) is denied.

2. Plaintiff's motion for extension of time to respond to the motion for summary judgment (Filing 75) is denied. Plaintiff shall respond to the defendant's motion for summary judgment, in full compliance with [NECivR](#) 56.1(b), no later than **April 12, 2010**.

DATED March 25, 2010.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**